

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Empedocles et al. ) Examiner: Hess, Daniel A.  
Serial No.: 10/807,616 )  
Filed: March 23, 2004 ) Group Art Unit: 2876  
For: DIFFERENTIABLE SPECTRAL BAR ) Confirmation No.: 4043  
CODE METHODS AND SYSTEMS )  
Docket No.: IVGN 618.4 CON  
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)

**RESPONSE AND AMENDMENT UNDER 37 C.F.R. §1.114**

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Final Office Action mailed September 24, 2008, and is submitted on or before the final three (3) month extended due date of March 24, 2009. Applicants hereby request continued examination under 37 C.F.R. § 1.114. The Response to Office Action is hereby submitted together with:

1. Form PTO/SB/30EFS, "Request for Continued Examination (RCE) Transmittal"; and a
2. Submission, which includes a Response and Amendment made under 37 C.F.R. §§ 1.116 and 1.121(c).

Applicants respectfully request a three (3) month extension of time under CFR 1.136(a) for the Response to Office Action submitted here within. Applicants hereby authorize the Commissioner to charge this extension of time fee to **Deposit Account No. 50-3994**. In the event that additional fees or extensions of time are required, Applicants herein petition for the necessary extension of time under 37 C.F.R. § 1.136(a) and authorize the Commissioner to

charge these fees or credit any overpayment associated with this or any other filing to Applicants' deposit account. This is not an authorization to pay the issue fee. Please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 5 of this paper.